

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JUAN MATIAS TORRES,

Petitioner,

v.

RALPH M. DIAZ, Warden,

Respondent.

Case No. [12-cv-06224-YGR](#) (PR)

**ORDER DIRECTING PARTIES TO  
FILE SUPPLEMENTAL BRIEFING**

This is a habeas case under 28 U.S.C. § 2254 filed *pro se* by a state prisoner. Petitioner, who had been granted a stay and abeyance in 2015 to exhaust state judicial remedies, filed an amended petition raising the same three claims from his original petition as well as six additional new claims. Dkt. 59.

On May 10, 2017, the Court granted Respondent's motion to dismiss the six new claims (claims 6-9) as untimely under the one-year statute of limitations established by the Antiterrorism and Effective Death Penalty Act of 1996. Dkt. 74. The Court indicated that it would resolve the remaining timely claims (claims 1-3) in a separate written Order. *Id.* at 16.

The Court now notes that Respondent's Answer relating to claims 1-3 was filed prior to this matter being stayed in 2015. Thus, the Court will entertain supplemental briefing to allow for any necessary updates to the authorities cited and/or the supporting law in their previously-filed briefs relating to claims 1-3. Both parties shall file simultaneous briefs. Respondent may file a Supplemental Answer no later than **twenty-eight (28) days** from the date of this Order. Petitioner may also file a Supplemental Traverse no later than **twenty-eight (28) days** from the date of this Order. If no updates are necessary, the parties shall file a notice on or before the deadline

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

indicating that the supplement is not necessary. The petition will be deemed submitted the day after the twenty-eight day deadline.

IT IS SO ORDERED.

Dated: August 7, 2017

  
YVONNE GONZALEZ ROGERS  
United States District Judge